

## REMARKS

Claims 1-10, 13 and 18-20 are pending and rejected.

Claims 11, 14-17 and 21 are withdrawn.

Claim 1 is amended.

### **Amended Claim 1**

Claim 1 is amended to require as part of the separation stages (iii) and/or (vi) further includes mechanical means selected from the group consisting of a filter press, centrifuge, belt press, horizontal belt filter, and pressure filter, to separate the solid residue as cake solids.

Support is found on page 9, last two lines and continuing onto page 10, first paragraph.

No new matter is added.

### **35 USC 103(a)**

**Claims 1-10, 13 and 18-20 are rejected under 35 USC 103(a) as being unpatentable over Brink, US 4,384,897 in view of Brelsford, US 5,411,594 and Kuo, US 5,529,699.**

The applicants have presently amended claim 1 to require in the separation stages of (iii) and/or (vi) a mechanical means selected from the group consisting of a filter, press, centrifuge, belt press, horizontal belt filter, and pressure filter, to separate the solid residue as cake solids.

This step is not suggested in any of the above references. As explained in the present application, the present inventors have found unexpectedly that following flocculation of the suspended solids the solid product can be separated from the hydrolysate aqueous liquor by mechanical means, for instance filter press, centrifuge, belt press, horizontal belt filter or pressure filter. The action of the flocculating agent greatly enhances the separation of the solids from the liquor by comparison to separation using solely mechanical means. Inventor have discovered that this process provides a higher cake solids, with less residual aqueous liquor, which means that a higher proportion of the sugar liquor is available for conversion into the fermentation product. Likewise the aqueous liquor contains much lower levels of extraneous suspended cellulosic solids and less wash water is required.

### **Double Patenting**

Claims 1-3, 5, 8-10 and 13 and 18-20 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 4, 5, 7, 8, 10 and 11 of copending Application NO. 10/523,229 in view of Brink.

Claims 1-10, 13, and 18-20 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 4, 5, 7, 8, 10 and 11 of copending Application No. 10/523,229 in view of Brink and further in view of Brelsford.

Applicants wish to postpone submitting terminal disclaimers until after the 103(a) rejection has been resolved. At that point, applicants will better know the final state of the claims and can address the appropriateness of the provisional double patenting rejections.

Reconsideration and withdrawal of the rejection of claims 1-10, 13 and 18-20 is respectfully solicited in light of the remarks and amendments *supra*.

Since there are no other grounds of objection or rejection, passage of this application to issue with claims 1-10, 13 and 18-20 is earnestly solicited.

Applicants submit that the present application is in condition for allowance. In the event that minor amendments will further prosecution, Applicants request that the examiner contact the undersigned representative.

Respectfully submitted,



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Enclosure: Request for Continued Examination.